

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN M. STEPHENS, an American
citizen and resident of Oregon,

Plaintiff,

vs.

HOLLAND AMERICA LINE, N.V., a
Curacao corporation, and DOE, INC., and
JOHN DOE,

Defendants.

No.

PLAINTIFF'S COMPLAINT

COMES NOW PLAINTIFF SUSAN STEPHENS, by her undersigned counsel of record,
and for Complaint against defendants herein alleges as follows:

The Parties

1. Plaintiff SUSAN STEPHENS (hereinafter "plaintiff" or "Susan") is and was at all
relevant times an American citizen and a resident of Oregon. In February 2023 and early March
she was a passenger aboard the cruise ship NIEUW STATENDAM, and she was injured on
February 25, 2023, as more fully described hereinbelow.

2. On information and belief the M/S NIEUW STATENDAM was owned and/or

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1 operated by defendant Holland America Line, N.V (hereinafter "HAL"). Defendant HAL is
2 associated with the cruise line business and on information and belief transacts business in this
3 district and is subject to this Court's jurisdiction.

4 3. Defendant JOHN DOE is the individual Susan alleges was responsible for her
5 injuries. Pending discovery of John Doe's actual name, John Doe will refer to the person
6 pushing a cart through the crowded Lido deck on the vessel where Susan and many others had
7 been dancing just before her accident, when the cart ran into her and knocked her to the deck.
8 On information and belief, John Doe is a Filipino and was working on behalf, and at the
9 direction, of HAL. If he is ultimately determined to have been an independent contractor as
10 opposed to an employee of HAL or its affiliates or subsidiaries, his actual employer, as yet
11 unknown, may be responsible to some degree for Susan's injuries and damages. In case he is an
12 independent contractor and works for another company, it will be referred to in this pleading as
13 defendant DOE INC.. Upon identification of the responsible individual and/or an entity that
14 employed him, the pleadings may be amended, as necessary and appropriate.
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17 **Jurisdiction and Venue**

18 4. This is a case of admiralty and maritime jurisdiction, within the provisions of 28
19 U.S.C. §1333 as hereinafter more fully appears, and is an admiralty and maritime claim within the
20 meaning of Rule 9(h), Federal Rules of Civil Procedure. Plaintiff believes and alleges this Court
21 also has diversity jurisdiction over this cause pursuant to 28 U.S.C. §1332, as hereinafter more
22 fully appears: plaintiff is a citizen of the United States and a resident of the State of Oregon, and
23 all of the known defendants are believed to be residents of foreign countries or states not
24 including Oregon. Plaintiff's claim exceeds the monetary threshold for diversity jurisdiction.
25

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1 Venue is appropriate in this district pursuant to 28 U.S.C. §1391 as it is a principal place of
2 business of defendant HAL and is the venue dictated by the terms of the ticket of passage
3 provided to plaintiff for the subject voyage.

4 **Factual Background**

5 5. On February 25, 2023, Susan was traveling on the NIEUW STATENDAM, which
6 she and her husband had boarded that day in Fort Lauderdale, Florida, embarking on an
7 advertised two-week round-trip cruise in the Caribbean. At roughly 3:45 p.m. on February 25,
8 2023, Susan had just finished participating in a Conga dance on the Lido deck of the vessel and
9 was walking back to the area where her husband was waiting for her. The area was very crowded,
10 and Susan could not see John Doe and the cart he was pushing. She walked past a woman who
11 was standing to her left and a little in front of John Doe, never seeing him, and he then pushed the
12 cart into Susan's left side knocking her off her feet and causing her to land heavily on her right
13 hip.
14

15 6. Susan was helped to the vessel's medical center where an x-ray was taken of her
16 lower extremities, and the doctor told her that there was no evidence of fracture. The ship's
17 doctor diagnosed a hip contusion. Susan was told that she should use a wheelchair or a walker for
18 the remainder of the cruise, which she did. Susan and her husband felt that if there was no
19 fracture, she would want to continue on the cruise. The itinerary for the cruise included a return
20 to Fort Lauderdale mid-trip, and Susan and her husband had an opportunity to disembark then but
21 relied on the doctor's conclusion that there was no fracture and consequently decided not to
22 disembark upon their first return to Fort Lauderdale.
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1 7. Following the cruise, Susan went to see her regular doctor, who referred her to an
2 osteopathic surgeon, Shane Hess, DO. Two weeks following Susan's accident, Dr. Hess
3 diagnosed a femoral neck fracture in her hip and operated on her. Dr. Hess told her that she
4 should expect aches and pains the rest of her life and said she likely would always have pain and a
5 limp from the injuries she suffered. Susan has suffered significant pain ever since her return
6 home, which is interfering significantly with her normal activities and enjoyment of life.

7 8. Within six months of her accident, Susan via prior counsel notified defendant HAL
8 of her claim, consistent with requirements for notice stated in her ticket of passage.

9
10 **Claim for Relief – Negligence**

11 9. Defendant John Doe owed Susan a duty of reasonable care for her safety but
12 breached that duty when he pushed a cart into her left side, knocking her to the deck where she
13 landed heavily on her right hip. The accident was captured on a vessel camera indicating that
14 John Doe was not paying attention to what he was doing, as he seems to have had a clear view of
15 Susan walking in front of him from the right, where she had been dancing, and on information
16 and belief should have been able to stop the cart without striking Susan if he had been alert to
17 what was in front of him. His negligence proximately caused her injuries, which were significant
18 and appear likely to be life-lasting.

19
20 10. If John Doe was an employee of the vessel, or if he was acting at HAL's direction
21 in moving the cart in the Lido deck at the time of Susan's accident, defendant HAL may be
22 vicariously liable for Susan's injuries. If John Doe was an independent contractor on the vessel,
23 he would be liable himself for his negligence.
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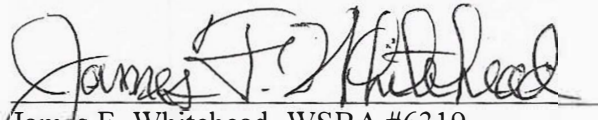
PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for the following relief:

- A. For judgment against all defendants found liable for causing plaintiff harm in amounts to be proven at the time of trial;
- B. For prejudgment interest and statutory and reasonable attorney fees and costs in such amounts as the Court may deem proper and just; and
- C. For such other and further relief as the Court may deem appropriate.

DATED at Seattle, Washington, this 10th day of August, 2023.

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James F. Whitehead, WSBA #6319
Attorney for Plaintiff